

Room 1403
185 Franklin Street
Boston, MA 02110-1585

Phone 617 743-2323
Fax 617 737-0648
victor.delvecchio@verizon.com

December 11, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: D.T.E. 01-31 – Alternative Regulation

Dear Ms. Cottrell:

Verizon Massachusetts (“VerizonMA”) opposes the Attorney General’s request dated December 6, 2001, that the Department compel Verizon MA to file copies of the CLEC Report 2001 pages identified in Verizon MA’s Supplemental Reply to AG-VZ 4-11 or, in the alternative, to strike all portions of Verizon MA’s testimony that relies on this information.¹

The Attorney General’s request does not fully explain that Verizon MA offered to produce the requested information; that the Attorney General availed himself of that opportunity and reviewed the documents; and that the Attorney General made copies from the originals that VerizonMA made available to him for that purpose.² The Attorney General thus has the relevant copies in his possession (and has had them for weeks) with which to cross examine the appropriate VerizonMA witness and to introduce the documents into evidence, as he deems appropriate.

¹ No other party (nor the Department) requested an opportunity to review the material which the Attorney General sought by way of AG-VZ 2-2 and AG-VZ 4-11.

² Verizon MA did not itself make the copies because of concerns with copyright protection which, apparently, the Attorney General did not share.

Mary L. Cottrell, Secretary

December 11, 2001

Page 2

Finally, the Attorney General's motion is significantly untimely, in noncompliance with 220 C.M.R. § 1.06(6)(c)(4). VerizonMA provided responses to the relevant discovery requests on August 6 and October 16, 2001. The Attorney General provides no explanation as to why he failed to comply with the Department's rule, other than to cite to a Hearing Officer ruling in another proceeding. That ruling is inapposite. Among other things, the bench there was asked to rule on a record request (as opposed to a discovery request made weeks earlier) and, unlike in the other proceeding, the Attorney General already is in possession of the relevant documents and has been for some time.

In short, the Attorney General has in his possession what he purports to need (but now seeks to compel), has suffered no harm, and is untimely. The Attorney General has full opportunity to question the appropriate witness and to introduce the documents into evidence if he so chooses. No due process consideration is at issue, and the Attorney General's rights under M.G.L.c. 30A, §§ 11(3) and (4) have not been impaired. The Attorney General's request should be denied.

Thank you for your attention to this matter.

Very truly yours,

Victor D. Del Vecchio

Enclosures

cc: Paula Foley, Esquire, Hearing Officer (2)
Michael Isenberg, Esquire, Director-Telecommunications Division
Attached Service List

mlc-vz-opp-ag-req-cmpl-01-31-12-11-01